IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA

NAOMI M. EADS,)	
Plaintiff,)	
vs.)	NO. CIV-07-760-D
MICHAEL J. ASTRUE, Commissioner,)	
Social Security Administration,)	
Defendant.		

ORDER

Plaintiff brought this action for review of the decision of the Commissioner of Social Security Administration ("Commissioner") denying Plaintiff's application for disability insurance benefits and supplemental security income benefits under the Social Security Act. On June 5, 2008, the Court entered its Order [Doc. No. 21] reversing the Commissioner's decision and remanding this matter for further proceedings.

Plaintiff has now filed an application [Doc. No. 25] for an award of attorney fees pursuant to 28 U.S.C. § 2412(d), the Equal Access to Justice Act ("EAJA"). EAJA permits an award of attorney fees to a prevailing plaintiff in certain actions against the government, including Social Security claims. As a "prevailing party" within the meaning of EAJA, Plaintiff is entitled to an award of reasonable attorney fees.

Plaintiff's counsel submits supporting documentation for the requested fee award of \$6,406.20 for legal services performed in this case; the fee is based on hourly rates approved by the Social Security Administration during the relevant time period.

Defendant Commissioner agrees that, pursuant to EAJA, Plaintiff is entitled to recover reasonable attorney fees as the prevailing party in this matter, and he does not object to the amount

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of the fee requested.

The Court has reviewed the application and the supporting documentation. The fees sought are based on 37.3 billable hours in 2007 and 2008. The documents submitted reflect the work

performed, the hours incurred, and the hourly fees charged for work attributable to attorneys and to

paralegals. Having reviewed the documentation, the Court finds that the hours expended and the

resulting fees are reasonable. Accordingly, the Court agrees that the total amount of \$6,406.20

represents a fair and reasonable fee for the work performed on behalf of Plaintiff in this case.

Plaintiff's application for an award of EAJA fees in the amount of \$6,406.20 is GRANTED.

Defendant is directed to pay that amount directly to the Plaintiff, pursuant to Manning v. Astrue,

510 F.3d 1246 (10th Cir. 2007).

IT IS SO ORDERED this 2nd day of July, 2008.

TIMOTHY D. DEGIUSTI

UNITED STATES DISTRICT JUDGE